IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7060 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

M P A NAIR

Versus

OIL & NATURAL GAS COMMISSION

Appearance:

MR IS SUPEHIA for Petitioner

MR KJ BRAHMBHATT for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 07/09/2000

ORAL JUDGEMENT

#. Heard learned counsel for the parties.

#. The petitioner was appointed by direct recruitment on the post of Rigman (Drilling) on 12.4.85. The next

higher post in the Corporation is Topman which is to be filled in 100% by promotion from the feeder cadre of Rigman. For the promotion to the post of Topman experience of 6 years as Rigman is required. The petitioner at the relevant time did not possess this requisite experience. He acquired this experience only on 24.1.91. However, the Commission has taken decision as a special case to fill the post of Topman by selection in the Region concerned as the Rigmen possessing the requisite experience were not available for promotion. The Commission has also taken care of in service candidates while granting approval to fill up the post of Topman by direct recruitment. The Commission also granted relaxation to the extent of 1/3rd in the requisite experience for promotion to the post of Topman to the in service candidates (Rigmen) so that they may also eligible to apply for the post to be filled in by direct recruitment. This benefit was also not available to the petitioner as he was not possessing 4 years experience as Rigman on 31.12.88 and he could not be called for the interview for the Post of Topman. The contention of learned counsel for the petitioner is that the delay in joining by the petitioner on the post of Rigman was on his selection because of negligence on the part of the commission is de void of any substance and merits.

I find from the reply to the Special Civil Application that after selection to the post of Rigman the petitioner was required to submit certain forms duly filled in which are to be sent for the verification to the concerned District Officer where from the petitioner hails. The petitioner hails from Kerala State and these forms were sent to the concerned District Officer in the State of Kerala by the Commission on 29.9.84. The petitioner in the petition or in rejoinder to the reply has conveniently not mentioned on which date he duly filled in the requisite form submitted to the Commission for sending of the same to the concerned District Officer, Kottayam and Mehsana. He has only given date of interview and date of sending of forms and has not mentioned the date on which the petitioner submitted duly filled in the forms. It goes against him and adverse inference can be drawn that even if there was any delay in sending of the form to the concerned District Officer of Kerala and Mehsana the fault lies with the petitioner and not with the Commission.

#. As a result of the aforesaid discussion, this petition fails and the same is dismissed. Rule is discharged. Interim relief if any granted stands

vacated. No order as to costs.

(S.K.Keshote, J.)

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